

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NIDEC CORPORATION,

No. C-05-0686 SBA (EMC)

Plaintiff,

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION TO STRIKE OR, IN THE
ALTERNATIVE, COMPEL
TESTIMONY OF FORREST TITCOMB**

v.

VICTOR COMPANY OF JAPAN, *et al.*,

(Docket No. 465)

Defendants.

Nidec has filed a motion asking the Court to strike the testimony of Forrest Titcomb (and all related evidence) offered in support of JVC's final invalidity contentions and motion for summary judgment of invalidity. In the alternative, Nidec asks that the Court order JVC to provide a further deposition of Mr. Titcomb. Having reviewed the parties' briefs and accompanying submissions, as well as the oral argument of counsel, the Court hereby **DENIES** the motion to strike but **GRANTS** the motion to compel testimony for the reasons stated on the record. The deposition of Mr. Titcomb shall take place at a location convenient to him and shall last no longer than 4.5 hours. Nidec may ask questions relating to the '309 patent and inquire about communications between Mr. Titcomb and the Howard Rice or Amster Rothstein firms prior to his retaining them as counsel, and ask foundational questions relating to the existence and scope of the attorney-client privilege. The

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1 parties shall meet and confer regarding the time and place of deposition.

2 This order disposes of Docket No. 465.

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4 IT IS SO ORDERED.

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6 Dated: February 1, 2007

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9 EDWARD M. CHEN
10 United States Magistrate Judge
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